



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

Application of  
PATRICK C. MARKS et al.

Serial No. 10/051,003

Filed: January 18, 2002

For: MULTIPLE FREQUENCY  
HELMHOLTZ RESONATOR

Examiner:

TU M. NGUYEN

Art Unit: 3748

Atty. Docket: 9319

TRANSMITTAL OF NOTICE OF APPEAL

AND THE APPEAL BRIEF

Commissioner for Patents  
Washington, DC 20231

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JUL 16 2003  
TECHNOLOGY CENTER R3700

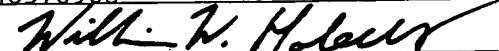
Sir:

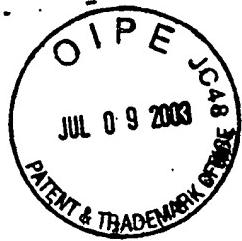
Transmitted herewith, in triplicate, is the Appeal Brief in this application, with respect to the Notice of Appeal also transmitted herewith, whereby the Applicants hereby appeal to the Board of Patent Appeals and Interferences from the final rejection of claims 3, 7 and 9, issued by the Examiner on May 23, 2003.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, under 37 C.F.R. 1.10 as "Express Mail Post Office to Addressee"

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William W. Habelt  
July 9, 2003



Applicants previously filed a Notice of Appeal in this Application on January 15, 2003 and transmitted the Appeal Brief in respect thereof on January 16, 2003.

The Fee of \$320.00 for filing that prior Notice of Appeal was debited against Deposit Account 03-0835 in the name of Carrier Corporation on January 17, 2003. (See attached copy of Deposit Account Statement.)

The Fee of \$320.00 for filing the prior Appeal Brief was debited against Deposit Account 03-0835 in the name of Carrier Corporation on January 27, 2003. (See attached copy of Deposit Account Statement.)

In view of the prior payment of these Fees in this application, it is believed that no additional Fees are due for the submittal of the accompanying Notice of Appeal and Appeal Brief. However, if Applicants are in error and fees are now due, please charge any fees required to Deposit Account 03-0835 in the name of Carrier Corporation.,

Respectfully submitted,  
Patrick C. Marks et al.

William W. Habelt  
Reg. No. 29,162  
Tel: (315) 433-4819  
Fax: (315) 433-4075

July 9, 2003  
Carrier Corporation  
Carrier Parkway  
P.O. Box 4800  
Syracuse, NY 13221-4800

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07-10-03

A173748

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031  
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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |                      |                        |                  |
|--|----------------------|------------------------|------------------|
| <b>TRANSMITTAL FORM</b><br><small>(to be used for all correspondence after initial filing)</small> | Application Number   |                        | 10/051,003       |
|  | Filing Date          |                        | January 18, 2002 |
|  | First Named Inventor |                        | Patrick C. Marks |
|  | Art Unit             |                        | 3748             |
|  | Examiner Name        |                        | Tu M. Nguyen     |
| Total Number of Pages in This Submission   | 30                   | Attorney Docket Number | 9319             |

Total Number of Pages in This Submission

### ENCLOSURES (Check all that apply)

|  |  |   |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to a Technology Center (TC)<br><input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks  |  |   |
| Certification of Express Mailing<br>Return Receipt Postcard<br>January 2003 USPTO Deposit Account Statement Showing Previous Payment<br>Transmittal of Notice of Appeal and the Appeal Brief   |  |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual

William W. Habelt

Signature

Date

July 9, 2003

### CERTIFICATE OF TRANSMISSION/MAILING

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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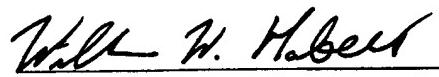


## CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10

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On July 9, 2003



William W. Habelt

Date of Signature: July 9, 2003

The following items of correspondence are being transmitted under this Certificate of Mailing re:

Applicant: Patrick C. Marks, et al  
Serial No.: 10/051,003  
Filed: January 18, 2002  
Title: MULTIPLE FREQUENCY HELMHOLTZ RESONATOR

Transmittal Form – 1 page  
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Transmittal of Notice of Appeal and The Appeal Brief – 2 pages  
Notice of Appeal – 1 page  
Appeal Brief – 24 pages (8 page document in triplicate)  
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### Deposit Account Statement

Requested Statement Month:

January 2003

Deposit Account Number:

030835

Name:

CARRIER CORPORATION

Attention:

ATTN: WILLIAM W. HABELT

Address:

ADMINISTRATIVE & RES BLDG

City:

SYRACUSE

State:

NY

Zip:

13221

| DATE  | SEQ | POSTING<br>REF | ATTORNEY<br>DOCKET<br>NBR | FEE<br>CODE | AMT          | BAL         |
|-------|-----|----------------|---------------------------|-------------|--------------|-------------|
| 01/02 | 379 | 10312313       | 60,246-196                | 1613        | \$890.00     | \$44,806.92 |
| 01/02 | 380 | 10312313       | 60,246-196                | 8021        | \$40.00      | \$44,766.92 |
| 01/08 | 10  | 09744261       | BAC-50                    | 1201        | \$84.00      | \$44,682.92 |
| 01/09 | 1   | 09849705       | 10177                     | 1401        | \$320.00     | \$44,362.92 |
| 01/09 | 13  | 10337591       | R4827 (10635 1001         |             | \$750.00     | \$43,612.92 |
| 01/10 | 53  | 10338447       | 60,249-168/1              | 1001        | \$750.00     | \$42,862.92 |
| 01/10 | 54  | 10338447       | 60,249-168/1              | 1202        | \$144.00     | \$42,718.92 |
| 01/15 | 120 | 10341008       | 60246-192;10              | 1001        | \$750.00     | \$41,968.92 |
| 01/15 | 153 | 10338447       | 60,249-168/1              | 8021        | \$40.00      | \$41,928.92 |
| 01/16 | 243 | 09927169       | 60246-144/91              | 1501        | \$1,300.00   | \$40,628.92 |
| 01/16 | 244 | 09927169       | 60246-144/91              | 1504        | \$300.00     | \$40,328.92 |
| 01/16 | 245 | 09927169       | 60246-144/91              | 8001        | \$30.00      | \$40,298.92 |
| 01/17 | 5   | 10051003       | 9319                      | 1401        | \$320.00     | \$39,978.92 |
| 01/22 | 18  | 09742638       | 8637                      | 1501        | \$1,280.00   | \$38,698.92 |
| 01/22 | 19  | 09742638       | 8637                      | 1505        | \$300.00     | \$38,398.92 |
| 01/22 | 74  | 09863228       | 9833                      | 1501        | \$1,300.00   | \$37,098.92 |
| 01/22 | 75  | 09863228       | 9833                      | 1504        | \$300.00     | \$36,798.92 |
| 01/22 | 258 | 09863228       | 9833                      | 1453        | \$1,300.00   | \$35,498.92 |
| 01/27 | 108 | 5927083        |                           | 1551        | \$890.00     | \$34,608.92 |
| 01/27 | 110 | 5927720        |                           | 1551        | \$890.00     | \$33,718.92 |
| 01/27 | 140 | 10051003       | 9319                      | 1402        | \$320.00     | \$33,398.92 |
| 01/27 | 259 | 954294         |                           | 8007        | \$20.00      | \$33,378.92 |
| 01/28 | 92  | 10263003       | 10066                     | 8021        | \$40.00      | \$33,338.92 |
| 01/30 | 42  | PAYMENT        |                           | 9203        | -\$50,000.00 | \$83,338.92 |
| 01/30 | 252 | 10262731       | 102247322                 | 8021        | \$40.00      | \$83,298.92 |
| 01/31 | 167 | 1220761        |                           | 8521        | \$40.00      | \$83,258.92 |
| 01/31 | 168 | 1220761        |                           | 8522        | \$150.00     | \$83,108.92 |